

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Shaheed Divine Allah

Docket No. 5:13-CR-30-1BO

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Shaheed Divine Allah, who, upon an earlier plea of guilty to 18 U.S.C. § 513(a), Uttering and Possessing a Counterfeited and Forged Security of an Organization, was sentenced in the Middle District of Florida, by the Honorable John Antoon II, U.S. District Judge, on December 13, 2007, to the custody of the Bureau of Prisons for a term of 70 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in a substance abuse program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, the defendant shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Substance Abuse Treatment Services. During and upon completion of this program, the defendant is directed to submit to random drug testing.
2. The defendant shall perform 150 hours of community service as a condition of supervision in lieu of paying a fine.
3. The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or making an obligation for any major purchases without approval of the Probation Officer. You shall provide the probation officer access to any requested financial information.
4. The defendant shall provide the probation officer access to any requested financial information.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Shaheed Divine Allah was released from custody on August 6, 2012, to the Eastern District of North Carolina, at which time the term of supervised release commenced.

On November 1 and December 19, 2012, the defendant admitted to the use of marijuana. In response, transfer of jurisdiction was sought from the Middle District of Florida to facilitate our response to the defendant's drug issues. On January 16, 2013, jurisdiction was transferred to the Eastern District of North Carolina.

In response to drug use, on July 5, 2013, the court modified the defendant's supervision to include the following condition:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

He successfully completed the term of home detention.

On July 29, 2014, the defendant tested positive for the use of marijuana. At that time his drug testing was increased and our office recommended that his supervision be continued. The court agreed with our recommendation.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 3, 2014, the defendant tested positive for the use of marijuana. The defendant has admitted to this use and states he would like assistance with his substance use. He further reports he was drinking heavily when he used the marijuana. We have referred him to a treatment program. In addition to the treatment, we recommend that he be placed on a remote alcohol monitoring system for a period of 180 days to hold him accountable on his alcohol use while he is in treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 180 consecutive days.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 18, 2014

ORDER OF COURT

Considered and ordered this 18 day of September, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge